

Message Text

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ACTION IO-13

INFO OCT-01 EUR-12 EA-07 ISO-00 AID-05 CEQ-01 CIAE-00

COME-00 DODE-00 EB-07 EPA-01 INR-07 L-03 NSF-01

NSC-05 NSAE-00 PM-04 USIA-06 OES-06 SS-15 SP-02

INT-05 FEA-01 H-02 PA-01 PRS-01 AF-08 ARA-06 NEA-10

ACDA-07 /137 W

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P R 281929Z JUL 76

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 1508

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY STOCKHOLM

AMEMBASSY ROME

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

USMISSION NATO

USMISSION SALT TWO GENEVA

ERDA HQ WASH

ERDA GERMANTOWN

NOAA ROCKVILLE MD

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 6067

E.O. 11652: GDS

TAGS: PARM, CCD, US, UR

SUBJECT: CCD - ENMOD NEGOTIATIONS - US-USSR BILATERAL MEETING
AND INFORMAL SUBGROUP MEETING ON ARTICLE V

1. SUMMARY: AS AGREED IN JULY 26 ENMOD WORKING GROUP
MEETING, INFORMAL CONSULTATIVE GROUP MET JULY 27 TO
CONTINUE DISCUSSIONS OF ARTICLE V. GROUP APPEARED TO
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MAKE SOME PROGRESS IN RECONCILING DIFFERENCES BETWEEN

NETHERLANDS-SWEDEN AND JAPANESE-SOVIET APPROACHES TO ESTABLISHING FACT-FINDING COMMITTEE. IN US-SOVIET BILATERAL MEETING AFTERWARDS, SOVIETS SAID THEY WOULD SUPPORT SHIFTING ARTICLE II ILLUSTRATIVE LIST OF PHENOMENA TO AN ANNEX OR PROTOCOL, THAT THEY WILL SEEK MOSCOW'S INSTRUCTIONS ON ADDING FLOODS AND DROUGHT AND POLAR ICE CAPS TO EXAMPLES IN LIST, BUT THAT THIS PROCESS WOULD TAKE TIME, AND THAT, WHILE NOT DEFINITELY INSTRUCTED, DELEGATION CONTINUES TO RESIST STRONGLY INCLUSION IN ARTICLE I OF PROVISION ON "REASONABLE EXPECTATION". END SUMMARY

2. INFORMAL SUBGROUP OF INTERESTED COUNTRIES, INCLUDING NETHERLANDS, SWEDEN, USSR, JAPAN, US, UK, FRG, ARGENTINA, AND MEXICO, MET JULY 27 ON QUESTION OF ADDING TO ARTICLE V PROVISIONS FOR CONSULTATIVE COMMISSION OR FOR A COMMITTEE OF EXPERTS. SOVIET REP (LIKHACHEV) CONTINUED HIS STRONG OPPOSITION (A) TO GIVING GROUP ANY FUNCTION OTHER THAN FACT-FINDING; (B) TO RESTRICTING MEMBERSHIP; AND (C) TO SPECIFYING MODALITIES OF GROUP'S FORMATION AND OPERATION IN CONVENTION TEXT. SWEDISH REP (HAMILTON) ASKED SOVIET VIEWS ON SCOPE OF INQUIRY TO BE ALLOWED COMMISSION/COMMITTEE, AND NETHERLANDS REP (VAN DER KLAUW) PRESSED SOVIETS ON HOW THEY ENVISIONED (A) SATISFYING THE NEED TO OBTAIN SPECIALISTS ON SPECIFIC ENMOD ACTIVITIES IN CONNECTION WITH QUESTIONS INVOLVING POSSIBLE USE OF DIFFERENT TECHNIQUES; (B) THE MECHANISM FOR EXTENDING INVITATIONS TO EXPERTS REPRESENTING INTERNATIONAL ORGANIZATIONS; AND (C) THE MECHANISM FOR MAKING DECISIONS WITHIN THE GROUP. HAMILTON STRESSED IMPORTANCE OF SETTING UP PROCEDURES IN ADVANCE OF NEED TO USE THEM, AND OF PREVENTING ONE STATE FROM BLOCKING WORK OF COMMISSION/COMMITTEE.

3. SOVIETS, IGNORING NETHERLANDS AND SWEDISH QUESTIONS, ASKED HAMILTON WHETHER HE AGREED THAT THE CONSULTATIVE BODY SHOULD BE RESTRICTED TO FACT-FINDING. HAMILTON REPLIED THAT HE THOUGHT THE SOVIET IDEAS WERE ACTUALLY QUITE CLOSE TO THOSE OF SWEDISH/DUTCH APPROACH. HE SAID IT WAS NOT NECESSARY TO WORK OUT ALL DETAILS OF CONSULTATIVE BODY, BUT THAT FUNDAMENTAL PRINCIPLES HAD TO BE AGREED TO IN CONFIDENTIAL

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ADVANCE. HAMILTON ASKED AGAIN ABOUT PROCEDURE FOR INVITING EXPERTS FROM, E.G., THE WORLD METEOROLOGICAL ORGANIZATION. LIKHACHEV AGAIN IGNORED SPECIFIC QUESTIONS AND PRESSED VAN DER KLAUW WHETHER DUTCH AND SWEDES AGREED WITH SOVIET VIEWS. VAN DER KLAUW SAID NO, AND REPEATED QUESTION ON HOW DECISION-MAKING WOULD BE CARRIED OUT IN COMMISSION/COMMITTEE. HE ASKED WHAT POWER THE BODY WOULD HAVE IF IT CONCLUDED THAT INFORMATION SHOULD BE REQUESTED OF A STATE. HE AGREED THAT

A MAJORITY OR TWO-THIRDS OF BODY COULD TAKE DECISIONS, BUT MAINTAINED THAT ONE STATE COULD NOT POSSESS A VETO OVER THE OPERATION OF THE BODY.

4. LIKHATCHEV REPLIED THAT HE THOUGHT THE ARGUMENT WAS NOT OVER MATTERS OF PRINCIPLE BUT OF PROCEDURE, "DETAILS" OF WHICH COULD BE PUT SOMEWHERE ELSE THEN IN TREATY TEXT. HE THEN PASSED OUT PAPER SETTING OUT ARTICAL V PARA ONE REVISION (TEXT BELOW).

(DELEGATION COMMENTS: JAPANESE REP (OGISO) ALREADY HAD MARKED-UP ADVANCE COPY IN HIS NOTEBOOK. REVISION PROVIDES INDEPENDENTLY FOR SERVICES OF IO'S AND FOR A CONSULTATIVE COMMITTEE OF EXPERTS, WHICH APPARENTLY MAKES NETHERLAND'S QUESTION ON HOW COMMITTEE WOULD SELECT IO EXPERTS IRRELEVANT). VAN DER KLAUW ASKED FOR TIME TO STUDY REVISION; SOVIETS AGREED, AGAIN EMPHASIZING THEY WERE NOT IN FAVOR OF SETTING OUT DETAILS RE COMMITTEE IN CONVENTION TEXT. VAN DER KLAUW SUGGESTED PUTTING THEM INTO AN ANNEX, AND LIKHATCHEV ACKNOWLEDGED THAT SOMETHING ALONG THIS LINE, OR A MEMORANDUM OF UNDERSTANDING, MIGHT BE ACCEPTABLE. (DELEGATION COMMENT: IF USSR DOES AGREE, WHAT MAY BE SHAPING UP IS SOME SORT OF PROTOCOL OR ANNEX TO THE CONVENTION CONTAINING, INTER ALIA, DEFINITIONS OF TERMS "WIDESPREAD", "LONG-LASTING", AND "SEVERE", LIST OF EXAMPLES FROM ARTICLE II, AND SUFFICIENT DETAILS ON INTERMEDIARY BODY'S STRUCTURE AND PROCEDURES TO GUARANTEE THAT SUBSTANTIVE AGREEMENT IS PRESERVED.) INFORMAL SUBGROUP AGREED TO MEET AGAIN JULY 29.

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INFO OCT-01 EUR-12 EA-07 ISO-00 AID-05 CEQ-01 CIAE-00

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5. IN PRIVATE US (BLACK, CORDEN)-SOVIET (NAZARKIN, KASHIRIN) MEETING AFTERWARDS, US PRESSED FOR SOVIET AGREEMENT TO INCLUDE IN ARTICLE I, PRESENTED AS A US CONCESSION, PROVISION FOR PROHIBITION OF HOSTILE USE OF ENMOD THAT COULD REASONABLY BE EXPECTED TO CAUSE SPECIFIED EFFECTS. SOVIETS WERE STRONGLY NEGATIVE, CITING (A) LACK OF LEGAL PRECISION, (B) HAZARD OF RENEWED CRITICISM BY THOSE CRITICS OF ARTICLE I SCOPE WHO CITY PROBLEMS OF AMBIGUITY, (C) POSSIBLE BASELESS CONFIDENTIAL

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ACCUSATIONS AGAINST US AND USSR, AND (D) DIFFICULTY OF EXPLAINING PROHIBITION IN UNGA. THEY ARGUED THAT PROVISION IN ARTICLE V, PARA 4 FOR SECURITY COUNCIL DECISIONS ON BASIS THAT A STATE IS "LIKELY TO BE HARMED" MEANS THAT REASONABLE EXPECTATION ELEMENT IS ALREADY CONTAINED IN CONVENTION. SOVIETS MAINTAINED THAT INCLUDING PROHIBITION OF THREAT WOULD BE MUCH MORE USEFUL AS A CONCESSION, AND THAT IT WOULD BE MORE CLEARLY UNDERSTOOD AND MORE PRECISE AS WELL. (COMMENT: SOVS HAVE PRIVATELY BEEN PRESSING DELOFFS OVER LAST SEVERAL DAYS ON UTILITY OF INCLUDING THREAT IN ARTICLE I IN ORDER TO SATISFY OTHER DELEGATIONS' CONCERNS.) US SIDE, NOTING THAT WE STILL HAD NO INSTRUCTIONS ON INCLUDING PROHIBITION OF THREAT OF USE, ARGUED THAT INCLUSION OF REASONABLE EXPECTATION WOULD ASSIST HOLD-OUTS YUGOSLAVIA AND ROMANIA IF PRESENTED AS PART OF A PACKAGE INCLUDING CONCESSIONS ON ARTICLES I AND II, AS WELL AS PROVISION ASSIGNING REVCON THE TASK OF APPRAISING HOW WELL AGREEMENT WAS ACHIEVING OBJECTIVE OF EFFECTIVELY ELIMINATING DANGERS OF ENMOD. SOVS REPEATED THEIR STRONG RESERVATIONS BUT AGREED TO SEEK

INSTRUCTIONS ON INCLUSION OF "REASONABLE EXPECTATION"
PROHIBITION.

6. ON ARTICLE II, SOVIETS AGREED THAT ILLUSTRATIVE LIST OF EXAMPLES COULD BE PLACED IN ANNEX. THEY SAID THEY HAD NO AUTHORITY TO EXPAND LIST TO INCLUDE FLOODS AND DROUGHT AND CHANGES IN POLAR ICE CAPS, ETC., CHANGES WHICH US NOTED WERE OF INTEREST TO NUMBER OF IMPORTANT DELS. THEY DESCRIBED MAJOR PROBLEM IN GETTING MOSCOW AUTHORIZAION TO DO SO, SINCE ACCEPTANCE OF ADDITIONAL EXAMPLES MUST BE CLEARED WITH OTHER AGENCIES BESIDES MFA. WARNING THAT CONSIDERATION WOULD TAKE SOME TIME, SOVS RELUCTANTLY AGREED TO SEEK THEIR AUTHORITIES' APPROVAL FOR ADDITIONS; THEY SUGGESTED, HOWEVER, THAT US SOUND OUT OTHER DELS IN MEANTIME AS TO WHETHER THEY WERE STILL INTERESTED IN EXPANDING LIST.

7. ON ARTICLE III, SOVIETS AGREED AT DELEGATION LEVEL TO INCLUSION OF PROVISION FOR EXCHANGE OF INFORMATION ON ENMOD USE FOR PEACEFUL PURPOSES. BOTH SIDES AGREED TO OPPOSE ANY FURTHER BROADENING OF PROVISION, ALONG LINES OF BIOLOGICAL WEAPONS CONVENTION, TO INCLUDE EQUIPMENT, MATERIAL, CONFIDENTIAL

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OR APPLICATION.

8. TEXT OF SOVIET INFORMAL REVISION OF ARTICLE V PARA ONE (WHICH, AS NOTED ABOVE, APPARENTLY HAS TACIT JAPANESE AGREEMENT) IS AS FOLLOWS:

"THE STATES PARTY TO THIS CONVENTION UNDERTAKE TO CONSULT ONE ANOTHER AND TO COOPERATE IN SOLVING ANY PROBLEMS WHICH MAY ARISE IN RELATION TO THE OBJECTIVES OF, OR IN THE APPLICATION OF THE PROVISIONS OF THIS CONVENTION. CONSULTATION AND COOPERATION PURSUANT TO THIS ARTICLE MAY ALSO BE UNDERTAKEN THROUGH APPROPRIATE INTERNATIONAL PROCEDURES WITHIN THE FRAMEWORK OF THE UNITED NATIONS AND IN ACCORDANCE WITH ITS CHARTER. THE INTERNATIONAL PROCEDURES REFERRED TO ABOVE AMY INCGUDE THE SERVICES OF APPROPRIATE INTERNATIONAL ORGANIZATIONS (SUCH AS THE WMO AND THE UNEP) AS WELL AS OF A CONSULTATIVE COMMITTEE OF EXPERTS OPEN TO ALL STATES PARTY. THE DEPOSITARY SHALL CONVENE A MEETING OF THE COMMITTEE AT THE REQUEST OF ANY STATE PARTY." ABRAMS

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